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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,210	05/30/2001	Scott Wolinsky	IT/02	7821
35070	7590	03/23/2005	EXAMINER	
ANATOLY S. WEISER, ESQ			JONES, SCOTT E	
674 VIA DE LA VALLE			ART UNIT	
SUITE 216			PAPER NUMBER	
SOLANA BEACH, CA 92075			3713	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/870,210	<b>Applicant(s)</b> WOLINSKY, SCOTT	
	<b>Examiner</b> Scott E. Jones	<b>Art Unit</b> 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2004 and 19 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,7-11,13,17,18,20,23-27,29,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.

Continuation of Disposition of Claims: Claims rejected are 1,2,4,7-11,13,17,18,20,23-27,29,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment and supplemental response filed on November 17, 2004 and December 20, 2004, respectively. Applicant amends claims 1, 4, 9, 17, 20, 25, 33, 37, 45, 49, 81, 85, 95, 99, 109, 112, 113, 116, 117, 120, 121, 124, 125, 131, 132, 137-139, 143, 144, and 149-154, cancels claims 3, 19, 36, 48, 84, 98, 111, 119, 129, 136, 142, and 148, adds new claim 155, amends the specification and drawings, and responds to the claim rejections. Claims 1, 2, 4, 7-11, 13, 17, 18, 20, 23-27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147, and 149-155 are pending.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 17, 2004 and December 20, 2004 has been entered.

### ***Drawings***

3. The drawings were received on November 17, 2004. These drawings are not accepted because replacement drawing sheets showing amended figures which include the desired changes must be identified in the top margin as "Replacement Sheet." Please see 37 C.F.R. 1.84. Please note, the examiner approves of the "content" of the changes made.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanskanen (U.S. 6,579,184) in view of Online MONOPOLY® and Stancill (U.S. 4,421,314).

Tanskanen discloses a multi-player game system and method to play a game over a telephone or wireless telephone communication network where player inputs to the game(s) are dual-tone multi-frequency (DTMF) signals wherein an output display image for the multi-player game is displayed at each player's telephone game device based on player inputs. Tanskanen additionally discloses:

Regarding Claims 1, 2, 13, 17, 18, 29, 33, 35, 41, 45, 47, 53, 81, 82, 83, 91, 95, 96, 97, 105, and 155:

- inputting, by a player at one of a plurality of communication terminals (player's telephone, personal computer, or wireless telephone, etc.) connected via a communications link (by a phone line or a wireless communications network), an instruction (player input) to determine an outcome (game progression) (Abstract,

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Column 1, line 29-Column 2, line 28, Column 3, lines 6-21, 27-34, and 37-39,

Column 4, lines 9-26, Column 5, lines 26-41, and Claims 1-5).

Regarding Claims 7, 8, 23, and 24:

- said signal is an inband signal transmitted over said communications link (Column 2, lines 1-5, Column 1, line 63-Column 3, line 21, Column 3, lines 45-58, and Claims 1-3). The DTMF player input signals transmitted and received by said player and other player's game devices are "inband" signals.

Although Tanskanen discloses game player inputs are decoded to transmit the output to the player's telephone game device, Tanskanen does not seem to explicitly disclose:

Regarding Claims 1, 17, 33, 45, 81, 83, 95, and 97:

- randomly determining at said one terminal, a signal representing said outcome to send to each other terminal of said plurality of terminals for display; and
- displaying a game accessory at each terminal of the plurality of terminals, wherein the game accessory displayed at said each terminal of the plurality of terminals indicates the outcome and identifies the player who inputted the instruction.

Regarding Claims 4, 20, 37, 49, 85, and 99:

- said displayed outcome simulates a game accessory.

Regarding Claims 9, 25, 33, and 45:

- defining a plurality of identifiers use to differentiate between said terminals;
- determining at each of said terminals, from which terminal said signal originated;
- and

- indicating at each of said terminals, said outcome and originating terminal identifier.

Regarding Claims 11, 27, 34, and 46:

- each identifier is represented by a different color emitted by one or more LED's.

Regarding Claims 89 and 103:

- the displayed outcome enables a game player to indicate a bet.

Online MONOPOLY®, like Tanskanen, teaches of a traditional board game that can be played via a computer network. Online MONOPOLY® and Tanskanen are analogous art.

Although Tanskanen discloses multi-player games such as chess, checkers, cards, as well as other commercially obtainable video games, Tanskanen does not explicitly disclose a game that progresses via a random outcome. However, the Online MONOPOLY® game progresses via random outcome (roll of simulated die). Furthermore, Online MONOPOLY® teaches:

Regarding Claims 1, 17, 33, 45, 81, 83, 95, and 97:

- randomly determining at said one terminal (simulated die roll), a signal representing said outcome to send to each other terminal of said plurality of terminals for display (the player's token will be highlighted and moved on the screen); and
- displaying a game accessory (simulated die) at each terminal of the plurality of terminals, wherein the game accessory displayed at said each terminal of the plurality of terminals indicates the outcome and identifies the player who inputted the instruction (the player's token will be highlighted and moved on each player's screen for each turn).

Regarding Claims 4, 20, 37, 49, 85, and 99:

- said displayed outcome simulates a game accessory (simulated die).

Regarding Claims 9, 25, 33, and 45:

- defining a plurality of identifiers (player's token) use to differentiate between said terminals;
- determining at each of said terminals, from which terminal said signal originated (when it is the player's turn, their respective token will be highlighted and moved upon clicking the roll dice button); and
- indicating at each of said terminals, said outcome and originating terminal identifier (player's token moves upon clicking the roll dice button).

Additionally, Stancill, like Online MONOPOLY® and Tanskanen, teaches of a board game apparatus that further distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player. Stancill suggests:

Regarding Claims 11, 27, 34, and 46:

- each identifier is represented by a different color emitted by one or more LED's (Column 3, lines 40-57). Stancill distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player.

Regarding claims 89 and 103, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious for a player to place a bet based on the outcome of the die before each turn in the combination of Tanskanen and Online MONOPOLY®. One would be motivated to do so because this would provide a side game making the main game more exciting.



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It would have been obvious at the time of Applicant's invention to play an Online MONOPOLY® boardgame on Tanskanen multi-player game system utilizing Stancill's player distinguishing features. One would be motivated to do so since MONOPOLY® is a historically popular game and also to enhance the graphics on the display screen to make it easier for player's to distinguish between game tokens.

6. Claims 10, 26, 114, 122, 126, 133, and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanskanen (U.S. 6,579,184) in view of Online MONOPOLY® and Stancill (U.S. 4,421,314) and further in view of Teshima et al. (U.S. 5,273,288).

Tanskanen in view of Online MONOPOLY® and Stancill teaches that as discussed above regarding claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155. Although Tanskanen discloses transmitting synthesized voice or other sounds to players, Tanskanen in view of Online MONOPOLY® and Stancill seems to lack explicitly teaching:

Regarding Claims 10, 26, 114, 122, 126, 133, and 140:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link.

Teshima et al., like Tanskanen, Online MONOPOLY® and Stancill, teaches of game(s) that can be played over a communications line, such as, a telephone line. Therefore, Tanskanen, Online MONOPOLY®, Stancill and Teshima et al. are analogous art. Furthermore, Teshima et al. teaches each player has a game board that is connected to a telephone line such that one

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player can play a game against another player in real-time over a telephone line. Teshima et al. additionally teaches:

Regarding Claims 10, 26, 114, 122, 126, 133, and 140:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link (column 3, lines 10-21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Teshima's communication feature in Tanskanen in view of Online MONOPOLY® and Stancill. One would be motivated to do so because enabling players to converse during the game makes the game more entertaining and personally interactive.

7. Claims 88 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanskanen (U.S. 6,579,184) in view of Online MONOPOLY® and Stancill (U.S. 4,421,314) and further in view of McKay et al. (U.S. Pub. 2002/0082067).

Tanskanen in view of Online MONOPOLY® and Stancill teaches that as discussed above regarding claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155. However, Tanskanen in view of Online MONOPOLY® and Stancill seems to lack explicitly teaching:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer.

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Mckay et al. teaches of a trivia board game played on a personal computer. Mckay et al. Tanskanen, Online MONOPOLY® and Stancill are analogous art since each teach of board games. Mckay et al. teaches:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer (13) (fig. 1).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Mckay's timer in Tanskanen in view of Online MONOPOLY® and Stancill. One would be motivated to do so to place a limit on the amount of time a player has to decide whether to purchase a property the player has landed on during their turn.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 2, 4, 7-11, 13, 17, 18, 20, 23-27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147, and 149-154 have been considered but are moot in view of the amendments to the claims and new ground(s) of rejection.

9. Applicant's amendment to the specification discussed on pages 3 and 21 of Applicant's remarks on November 17, 2004 is noted by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Examiner  
Art Unit 3713



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